

## Joint Standing Committee on Judiciary

LD 260

### An Act to Enhance the Enforcement of Civil and Criminal Violations

PUBLIC 771

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON MILLS	OTP-AM	H-1056 S-741 MICHAUD

LD 260 was a concept draft pursuant to Joint Rule 208. The bill proposed to build on the work undertaken by the task force created by Resolve 1997, chapter 103 by doing at least the following:

1. Increase the collection of fines, forfeitures and costs imposed by courts for civil and criminal violations;
2. Expand the jurisdiction of the District Court Violations Bureau to include all civil violations;
3. Prohibit issuance and renewal of any license or other credential issued by the State if fines, penalties or forfeitures to the State remain unpaid; and
4. Decriminalize selected motor vehicle, marine resources and fish and wildlife violations.

**Committee Amendment "A" (H-1056)** proposed to replace the bill.

Part A proposed to expand the jurisdiction of the Violations Bureau of the District Court to include all civil violations, not just traffic infractions, except specific civil violations. Part B proposed to make certain crimes enforced by the Department of Inland Fisheries and Wildlife civil violations. Part C proposed to make certain marine resources crimes civil violations. Part D proposed to make certain motor vehicle crimes traffic infractions. It also proposed to revise the law governing permitting unlawful use.

**Senate Amendment "A" to Committee Amendment "A" (S-741)** proposed to strike Part A of Committee Amendment "A," which proposed to expand the jurisdiction of the violations bureau of the District Court, and Part E, which proposed to provide funds for costs associated with the expansion of the violations bureau.

#### *Enacted law summary*

Public Law 1999, chapter 771 enhances the enforcement of certain fish and game, marine resources, and motor vehicle laws by making certain crimes civil violations. Violations that are affected include:

1. For the Department of Inland Fisheries and Wildlife violations, certain water-skiing, motorboat, airmobile, snowmobile, all-terrain vehicle and field dog training violations;
2. For the Department of Marine Resources violations, violations relating to obstructing fishways, fish kills, lobster harvester logbooks, dumping dead marine animals or scaled fish, monofilament nets,

marking ice fishing shacks, herring measurement, sealing boats, taking Pacific salmon, diver's down flags, noncommercial scallop licenses, lobster shipping containers, shrimp labeling and cultchless American oysters; and

3. For motor vehicle violations, certain violations relating to odometers, dealers' licenses and dealers' plates, vehicle auction licenses and records, the time period for obtaining a driver's license, insurance for dealers and transporters, regrooved tires and railroad grade crossings. This Part also corrects language concerning contesting summonses. It also revises the law governing permitting unlawful use. This amendment makes it a traffic infraction for a vehicle owner to allow another person to use the vehicle when the driver commits a traffic infraction with the vehicle. Current law makes all permitted unlawful use a Class E crime.

Chapter 771 applies to violations committed on or after July 1, 2001.

## LD 347

## An Act to Amend the Installment Payment Order Capability of the Disclosure Court

PUBLIC 587

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNE	OTP-AM      MAJ	H-816
BENNETT	ONTP        MIN	

LD 347 proposed to amend the law that determines the maximum amount that the Disclosure Court can order a judgment debtor to pay to a judgment creditor in installment payments to pay off a debt that the court has already determined to be due to the creditor. Under current law, a judgment debtor receiving money from sources exempt from attachment and execution may not be ordered to pay any of that money to judgment creditors. LD 347 proposed to allow a court to order installment payments where the money received is exempt from attachment and execution and is, either alone or in combination with nonexempt money, sufficient in quantity to allow the court to order an installment payment, under the calculation provided in current law. The bill does not propose to allow a court to order the garnishment, withholding or attachment of any exempt money. The bill also proposed to repeal an unused provision of current law that permits a court in a small claims action to order a judgment debtor to pay up to \$15 per month if the debtor is shown not to be indigent.

**Committee Amendment "A" (H-816)** proposed to replace the bill. It proposed to rewrite the section of law relating to installment payment orders to make it easier to read. It also proposed to make a substantive change in law by allowing the court, in determining a debtor's ability to make installment payments, to consider income that is exempt from attachment and execution, such as veterans' benefits and social security benefits. The exempt income would be used to calculate the maximum installment payment the court could order, but would not be subject to attachment. Only nonexempt income would be subject to the order and to potential attachment.

### *Enacted law summary*

Public Law 1999, chapter 587 allows a court, in determining a debtor's ability to make installment payments to a creditor, to consider income that is exempt from attachment and execution, such as veterans' benefits and social security benefits. The exempt income would be used to calculate the maximum installment payment the court could order, but would not be subject to attachment.

**LD 470****An Act Requiring Compensation for Loss of Property Value Due to State or Local Regulation****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	ONTP      MAJ OTP-AM    MIN	

LD 470 proposed to require the State and its political subdivisions to pay property owners when state or local regulations lower the owner's property value by more than 50%. See also LD 1990 and 2121.

**Committee Amendment "A" (H-872)**, the minority report, proposed to add a fiscal note to the bill. (Not adopted)

**LD 687****An Act Regarding Wrongful Death Actions****PUBLIC 772**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER DOUGLASS	OTP-AM    MAJ ONTP      MIN	H-871 S-606    NUTTING J

LD 687 proposed to remove the current cap of \$150,000 on the amount of damages that may be awarded in a wrongful death action to the family of the deceased to compensate for the loss of comfort, society and companionship of the deceased. Damages would be awarded in an amount the jury considered fair and just.

**Committee Amendment "A" (H-871)**, the majority report, proposed to add an application section to the bill, providing that the repeal of the cap on certain damages in a wrongful death action applies to causes of action arising on or after the effective date of the Act.

**Senate Amendment "A" (S-606)** proposed to replace the committee amendment. Instead of removing the cap on damages for the loss of comfort, society and companionship, the amendment proposed to raise the cap to \$400,000, to match the limitation on damages for claims against governmental entities allowed under the Maine Tort Claims Act.

***Enacted law summary***

Public Law 1999, chapter 772 raises from \$150,000 to \$400,000 the cap on the amount of damages that may be awarded in wrongful death actions to the family of the deceased to compensate for the loss of comfort, society and companionship of the deceased.

**LD 1010****An Act Regarding the Family Court****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	ONTP	

LD 1010 proposed to give the family case management officer in the Family Division of the District Court authority to hear contested family cases and enter final orders if both parties agree.

**LD 1251****An Act to Change the Reimbursement Rate for Law Enforcement Personnel Who Testify in Court****INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT DAVIS P	OTP-AM	

LD 1251 proposed to increase the reimbursement fee paid to a municipality by the court for each day a law enforcement officer is physically present for a scheduled trial in District Court from \$25 a day to \$50 a day. The substance of LD 1251 was enacted as Part CCCC of the Supplemental Budget Bill, Public Law 1999 chapter 731.

**LD 1294****An Act to Provide for a Limited Waiver of Immunity****PUBLIC 572**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POWERS	OTP-AM MAJ ONTP MIN	H-815

LD 1294 proposed to waive a portion of charitable immunity so that directors, officers and volunteers of charitable organizations may be sued and held liable for harm they cause while operating vehicles, vessels or aircraft, to the extent of their insurance coverage. The bill also proposed to void, as contrary to public policy, any provision in an insurance policy that attempts to limit or exclude coverage for claims authorized by the bill.

**Committee Amendment "A" (H-815)**, the majority report, proposed to exclude umbrella insurance coverage from the limit of recovery in the bill.

***Enacted law summary***

Public Law 1999, chapter 572 waives immunity from tort liability for directors, officers or volunteers of charitable organizations who cause harm while operating vehicles, vessels or aircraft. Damages against such a person may not exceed the amount of insurance coverage held by that person to cover such claims. The bill also voids, as contrary to public policy, any provision in an insurance policy that attempts to limit or exclude coverage for claims that are authorized by this law.

**LD 1303****An Act to Amend the Statute of Limitations for Medical Malpractice****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON RAND	ONTP	

LD 1303 proposed to amend the statute of limitations relating to health care providers and health care practitioners. The bill proposed to require an action for professional negligence to be commenced within 3 years after a plaintiff discovers, or in the exercise of reasonable diligence should have discovered, the injury but not more than 6 years after the cause of action accrues.

**LD 1471****An Act to Amend the Laws Governing Wrongful Death****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACK	ONTP	

Under current law, the statute of limitations for commencement of a lawsuit based on the professional negligence of a health care provider or practitioner is 3 years from the date of the alleged negligent act, whether that act is alleged to have caused an injury or death. LD 1471 proposed to permit an extension of that limitation period in certain circumstances. When the lawsuit results from an alleged wrongful death, the bill proposed that the limitation period be 2 years from the date of death, as currently provided under the Maine Probate Code, if the death occurred within the 3-year period provided under the Maine Health Security Act. In such a lawsuit, all other provisions of the Maine Probate Code's wrongful death statute, including caps on the amount of damages recoverable, would apply.

**LD 1557****An Act to Expand a Judge's Powers for Contemptuous Failure to Pay****PUBLIC 743**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM    MAJ ONTP       MIN	S-668

LD 1557 proposed to expand the remedies a court has when finding a person in civil contempt for failure to pay a fine, surcharge or assessment for the violation of any civil or criminal statute. In addition to a reasonable fine and term of imprisonment, the bill proposed to allow the court to suspend any license or registration issued by the State, including hunting and fishing licenses and drivers' licenses, after finding a person has contemptuously failed to pay a fine or other monetary part of a sentence.

**Committee Amendment "A" (S-668)** proposed to require the court to provide notice of suspension to the agency that issued the license or other authority. It also proposed to delete changes to the motor vehicle laws. The amendment also proposed to add an appropriation section and a fiscal note to the bill.

### ***Enacted law summary***

Public Law 1999, chapter 743 expands the remedies a court has when finding a person in civil contempt for failure to pay a fine, surcharge or assessment for the violation of any civil or criminal statute. In addition to a reasonable fine and term of imprisonment, the court may suspend any license or registration issued by the State, including hunting and fishing licenses and drivers' licenses.

**LD 1603**

**An Act to Amend the Wrongful Death Laws**

**ONTP**

<u>Sponsor(s)</u> LAFOUNTAIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1603 proposed to eliminate the current cap of \$150,000 that may be awarded in wrongful death actions for loss of comfort, society and companionship and the current cap of \$75,000 that may be awarded in punitive damages.

**LD 1620**

**Resolve, to Establish the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf and to Continue Oversight of Multiagency Cooperation**

**RESOLVE 127  
EMERGENCY**

<u>Sponsor(s)</u> TOWNSEND	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-979 S-770 MICHAUD
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LD 1620 proposed to allow any person who was a student at the Governor Baxter School for the Deaf between 1974 and 1998 to bring an action against the school notwithstanding any provision of the law limiting the time period for which an action may be commenced or concerning the Maine Tort Claims Act. A person bringing an action pursuant to this resolve would have 3 years from the effective date of the resolve to file the action.

**Committee Amendment "A" (H-979)** proposed to replace the resolve. It proposed to establish a 5-member committee, consisting of Legislators, to develop a compensation program for victims of abuse at the Governor Baxter School for the Deaf. It also proposed to require reports from the Department of Education, the Department of Labor, the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services concerning their multiagency efforts to address the response to abuse of students at the Governor Baxter School for the Deaf and the provision of services to the Deaf community.

**Senate Amendment "A" to Committee Amendment "A" (S-770)** proposed to clarify the naming of cochairs and change the convening date of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf.

### ***Enacted law summary***

Resolve 1999, chapter 127 establishes a 5-member committee, made up of Legislators, to develop a compensation program for victims of abuse at the Governor Baxter School for the Deaf. It lists specific items that must be considered in the study process and elements that must be included in the program. It includes resources to make use of consultants and participants from other compensation programs. The study committee must report to the First Regular Session of the 120th Legislature by November 1, 2000 with any implementing legislation. At least partial funding for compensation is included in the Budget Bill, Public Law 1999, chapter 731, Part PPP.

Chapter 127 also requires reports from the Department of Education, the Department of Labor, the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services concerning their multiagency efforts to address the response to abuse of students at the Governor Baxter School for the Deaf and the provision of services to the Deaf community. Reports are due by August 1, 2000 and January 31, 2001.

Resolve 1999, chapter 127 was finally passed as an emergency measure effective May 10, 2000.

<b>LD 1717</b>	<b>An Act to Make Privileged Communication Between a Licensed Counseling Professional and a Patient</b>	<b>ONTP</b>
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<u>Sponsor(s)</u> ABROMSON BRENNAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1717 proposed to amend the statutory privilege for communication between a licensed professional counselor and a patient made during the course of professional counseling services.

<b>LD 1771</b>	<b>An Act to Establish a Limit on Noneconomic Damages in Medical Malpractice Actions</b>	<b>ONTP</b>
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<u>Sponsor(s)</u> PLOWMAN MITCHELL B	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1771 proposed to set a limit of \$250,000 on non-economic damages in medical liability actions.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM	S-558

LD 1795 proposed to restructure the comparative negligence laws and define how they should apply in cases with multiple defendants. The bill also proposed to restructure the laws dealing with release of joint tortfeasors when settlement is not reached and clarify how the judge applies offsets against subsequent verdicts when there have been prejudgment settlements. The bill also proposed to authorize the courts to approve Pierringer release procedures in complex litigation.

**Committee Amendment "A" (S-558)** proposed to replace the bill. It proposed to authorize the courts to approve Pierringer release and dismissal procedures in multiparty litigation.

#### *Enacted law summary*

Public Law 1999, chapter 633 authorizes the courts to approve Pierringer release and dismissal procedures in multiparty litigation. In a Pierringer release, the plaintiff gives up that share of recovery that is proportional to the settling defendant's fraction of responsibility. The purpose of a Pierringer release is to permit one defendant to settle with the plaintiff and to withdraw finally from the suit even when there are cross claims against the defendant. Chapter 633 also contains safeguards to protect nonsettling parties from being prejudiced by the absence of the settling defendant.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP KILKELLY	ONTP	

LD 1820 proposed to enhance the enforcement of fish and game laws by redefining several crimes as civil violations to allow efficient processing by the courts and to reduce the number of contested cases. Violators would have retained the right to contest the matter in court. The bill also proposed to revise the responsibilities of game wardens by allowing them to take cash or credit card payments for bail in any location when an arrest is made. Game wardens making arrests in Cumberland County would have been permitted to take the defendant to any District Court serving Cumberland County, rather than being limited to the closest court.

This bill was referred to the Judiciary Committee from the Joint Standing Committee on Inland Fisheries and Wildlife. The crimes proposed to be decriminalized in this bill are included in Committee Amendment "A" to LD 260, Public Law 1999, chapter 771.



<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	ONTP	

LD 1941 proposed a process for the involuntary commitment of persons in need of treatment for substance abuse or substance addiction.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	ONTP	MAJ
	OTP-AM	MIN

LD 1961 proposed to amend the right of entry clauses for the Maine Land Use Regulation Commission, the Bureau of Parks and Lands and the Department of Environmental Protection, and under the forest practices laws. The bill proposed that entry upon private land by an agent or employee of the agencies or department is a trespass unless:

1. The owner or occupant of the land provides express permission;
2. The entry is pursuant to a warrant specifying the scope of the search to be undertaken; or
3. The agent or employee has a good and sufficient reason to suspect a violation, supported by oath or affirmation, and specifying the law violated.

The bill proposed an exception for responding to an emergency in which human life is threatened.

**Committee Amendment "A" (H-981)**, the minority report, it proposed to replace the bill to change the prerequisites that apply to entry on private land by Maine Land Use Regulation Commission staff, forest rangers, employees and agents of the Bureau of Parks and Lands, employees and agents of the Bureau of Forestry and employees and agents of the Department of Environmental Protection. The amendment proposed that entry on property posted for limited entry may be made only if the person has a warrant issued by a court of competent jurisdiction or if the owner has given consent to the entry. If the landowner has been issued a permit by one of these state agencies, then the owner is deemed to have given consent for the entry. The amendment proposed that land is conspicuously posted for limited entry if the posting meets the requirements of the criminal trespass laws in the Maine Revised Statutes, Title 17-A, section 402, subsection 4. Signs meeting the requirements of Title 17-A, section 402, subsection 4 would have been permitted to indicate that access by state employees or consultants for the purposes of making inspections, surveys, examinations and evaluations and otherwise ensuring compliance is prohibited without obtaining a warrant or the consent of the owner. Entry onto private land or waters in violation of these requirements would have been a trespass, unless the entry is part of that agency's emergency response.

**LD 1971****An Act Regarding Property Tax Liens****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART	ONTP	

LD 1971 proposed to require the former owner of real property to notify the State Tax Assessor and the local tax assessor of the transfer of the property within 10 days of the transfer. It also proposed to require a lien on real estate to be placed in the name of the new owner if the assessor has written notice of the change in ownership.

**LD 1990****An Act to Require Economic and Taking Impact Analyses to Protect Individual Rights****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	ONTP	

LD 1990 proposed to create the Private Property and Individual Rights Protection Act, which would have required economic impact analyses and takings impact analyses to be conducted prior to the adoption or enactment of all laws, policies, regulatory actions or local ordinances. The bill also proposed to require the State and its political subdivisions to comply with the constitutional takings principles espoused in several state and federal court cases. See also LD 470 and 2121.

**LD 2014****An Act to Provide for the Establishment of Alcohol and Drug Treatment Programs in Maine Courts****PUBLIC 780**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W AMERO	OTP-AM	H-1047 S-748 MICHAUD

LD 2014 proposed enabling legislation for the creation of substance abuse treatment courts, also known as "drug courts," throughout the State. The bill also proposed to provide continuing financial support for Cumberland County's "Project Exodus," the one existing substance abuse treatment court in the State.

**Committee Amendment "A" (H-1047)** proposed to replace the bill. It proposed to authorize the Judicial Department to establish alcohol and drug court treatment programs in the Superior Courts and District Courts. The amendment proposed that the Judicial Department establish a Drug Court Committee to plan for and implement the alcohol and drug treatment programs. The plan would have to include at least the specified subjects, including locating an alcohol and drug treatment program in each prosecutorial district. The amendment proposed that the Drug Court Committee report to the 120th Legislature and the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2001. The amendment proposed to add an appropriation section and a fiscal note to the bill.

**Senate Amendment "A" to Committee Amendment "A" (S-748)** proposed to strike the appropriation section and replace it with a one-time funding of \$20,000 for judicial training.

### ***Enacted law summary***

Public Law 1999, chapter 780 authorizes the Judicial Department to establish alcohol and drug court treatment programs in the Superior Courts and District Courts. The Judicial Department is required to establish a Drug Court Committee to plan for and implement the alcohol and drug treatment programs. The plan must include at least the specified subjects, including locating an alcohol and drug treatment program in each prosecutorial district. The Drug Court Committee shall report to the 120th Legislature and the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2001. The report must include the plan and any legislative recommendations. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation based on the recommendations. Funding for judicial training is included in chapter 780; funding for the judicial Department's Drug Court Coordinator is included in the Budget Bill, Public Law 1999, chapter 731, Part VV.

**LD 2051**

### **An Act to Clarify the Immunity of Law Enforcement Officers in Enforcing Protective Orders**

**ONTP**

Sponsor(s)  
DUDLEY  
RAND

Committee Report  
ONTP

Amendments Adopted

LD 2051 proposed to clarify that the immunity from civil liability provided under the Maine Tort Claims Act applies to law enforcement officers enforcing protective orders regardless of where those orders were issued.

**LD 2067**

### **An Act to Expand Pretrial Services for the Bail and Supervision of Criminal Defendants Statewide**

**INDEF PP**

Sponsor(s)  
FRECHETTE  
MURRAY

Committee Report  
OTP-AM MAJ  
ONTP MIN

Amendments Adopted  
H-1070

LD 2067 proposed to direct the State Court Administrator of the Administrative Office of the Courts to establish guidelines for and award contracts to providers of pretrial services. The bill proposed to ensure that alternatives to bail are provided for indigent defendants throughout the State.

**Committee Amendment "A" (H-1070)** proposed to replace the bill by establishing the Pretrial Services Fund within the Judicial Department. The amendment proposed that the State Court Administrator would award grants from the fund in amounts not exceeding \$20,000 to counties that apply and meet the criteria established by rules adopted by the State Court Administrator. The grants would have to be used to provide pretrial services. The State Court Administrator would have adopted rules to govern the program. The amendment proposed that the Fund would be repealed on July 1, 2002. The amendment proposed an appropriation of \$100,000 to fund the grants.

**LD 2072**

**An Act to Clarify Signature Requirements on Certain Legal Documents**

**PUBLIC 711**

<u>Sponsor(s)</u> THOMPSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1048
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LD 2072 proposed to state that electronic signatures and electronic records have the same legal force and effect as manual signatures and non-electronic records. It also proposed to make such records and signatures admissible into evidence in legal proceedings.

**Committee Amendment "A" (H-1048)** proposed to replace the bill. It proposed to specify that electronic signatures, digital signatures and other signatures effected by electronic means are not valid on documents purporting to affect title to real property or on certain types of powers of attorney. This law would apply, regardless of any general law purporting to validate such signatures.

***Enacted law summary***

Public Law 1999, chapter 711 provides that electronic signatures, digital signatures and other signatures effected by electronic means are not valid on documents purporting to affect title to real property or on a power of attorney, notwithstanding any general law that validates such signatures.

**LD 2121**

**An Act Regarding Regulations and Compensation to Property Owners**

**ONTP**

<u>Sponsor(s)</u> JOY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2121 proposed to allow a property owner to seek compensation from a unit of government in Maine when a regulation imposed by that unit of government reduces the fair market value of the property and there is destruction or damage to or trespass upon the property or a loss of the rightful use of the property. Compensation must be equivalent to the loss in value. The bill proposed to provide exceptions to compensation for regulations that protect public health and safety or that produce benefits to the property owner that equal or exceed the loss in value. See also LD 470 and LD 1990.

**LD 2178**

**An Act to Amend the Act to Implement the Maine Indian Claims Settlement Concerning the Houlton Band of Maliseet Indians**

**ONTP**

<u>Sponsor(s)</u> SHERMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2178 is a concept draft pursuant to Joint Rule 208. It proposed to amend the Act to Implement the Maine Indian Claims Settlement to give the Houlton Band of Maliseet Indians the same status as the Passamaquoddy Tribe and the Penobscot Indian Nation under that Act.

**LD 2213**                      **An Act to Create and Regulate the Profession of Legal Document Technician**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEDMAN	ONTP	

LD 2213 proposed to create and regulate the profession of legal document technician. The bill proposed to define a legal document technician as a person who, for compensation, provides a legal form to a client or fills in, files or serves a legal form pursuant to a specific request by a client. The bill proposed to prohibit a legal document technician from providing advice, explanation, opinion or recommendation to a client concerning legal rights, remedies, defenses, options, strategies or selection of forms or any other service that the legal document technician is not specifically authorized to provide. In addition to specifying the types of services that legal document technicians may provide, the bill proposed penalties for legal document technicians who provide unauthorized services.

**LD 2226**                      **An Act Relating to Remedies for Unlawful Housing Discrimination**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M	ONTP	

LD 2226 proposed to amend the Maine Human Rights Act by removing limitations of attorney's fees and damages for civil actions based upon discrimination in housing.

**LD 2239**                      **An Act to Ensure Civil Rights and Prevent Discrimination**                      **PUBLIC 629**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON	OTP-AM    A	S-624
SAXL M	ONTP        B	
	OTP-AM    C	

LD 2239 proposed to amend the Maine Human Rights Act to add “sexual orientation” to the list of prohibited bases for discrimination in employment, housing, public accommodations and credit. The bill proposed to exempt from the prohibition religious organizations that receive no public funding. The bill proposed to make clear that the change in the law does not confer legislative approval of or special rights to anyone or any group. The bill also proposed to require that it be submitted to the voters and approved at the next general election before it takes effect.

**Committee Amendment "A" (S-624)**, the majority report of the committee, proposed to further define the term "sexual orientation" and to expand the exemption to all religious entities, including educational institutions and charitable nonprofit organizations that are wholly or substantially funded, controlled, managed or owned by a religious corporation, association or society. It also proposed to add 3 provisions to the construction section of the Maine Human Rights Act to clarify that, notwithstanding the exemption

for religious entities, a state contract, including a contract with religious entities, may require nondiscrimination as a condition of the contract. It also proposed to clarify that the bill does not require schools to incorporate sexual orientation in curricula; does not require affirmative action based on sexual orientation; and does not require or prohibit the provision of employee benefits to an individual for the benefit of the individual's partner. Finally, the amendment proposed to change the wording of the referendum question to clarify it.

**Committee Amendment "B" (S-625)**, one of the minority reports of the committee, proposed to further define the term "sexual orientation." It also proposed to clarify that the bill does not require schools to incorporate sexual orientation in their curricula, does not require affirmative action based on sexual orientation and does not require nor prohibit the provision of employee benefits to an individual for the benefit of the individual's partner. Finally, the amendment proposed to remove the section requiring approval of the voters at a referendum election.

#### *Enacted law summary*

Public Law 1999, chapter 629 proposes to amend the Maine Human Rights Act to prohibit discrimination on the basis of sexual orientation in employment, housing, public accommodation and credit. The law will become effective if approved by voters at a November 2000 referendum.

Religious entities, including certain nonprofit organizations and educational institutions, are exempt from the prohibition against discrimination on the basis of sexual orientation. However, a state agency may include nondiscrimination requirements in any contract with a religious entity. The law does not require schools to include sexuality or sexual orientation in their curricula, nor does it create affirmative action requirements or requirements for employers to provide domestic partner benefits.

**LD 2245**

**An Act to Adopt the Model Revised Article 9 Secured Transactions**

**PUBLIC 699**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON LONGLEY	OTP-AM	H-1109

LD 2245 proposed to adopt Revised Article 9 of the Uniform Commercial Code, adopted by the National Conference of Commissioners on Uniform State Laws. Part A of the bill proposed to repeal the Maine Revised Statutes, Title 11, Article 9 and enact a new Title 11, Article 9-A. Part B of the bill proposed to make necessary conforming amendments and recommended changes to the other articles of Uniform Commercial Code to provide consistency with the new Article 9-A. The bill proposed that Parts A and B take effect July 1, 2001. Part C proposed to give the Secretary of State rulemaking authority to adopt rules prior to July 1, 2001 to carry out Article 9-A as soon as it is in effect.

**Committee Amendment "A" (H-1109)** proposed to incorporate recommended changes to Revised Article 9 of the Uniform Commercial Code made by the Office of the Secretary of State and the Maine State Bar Association's Bar Committee Report on Revised Article 9. It also proposed many technical corrections to the original bill, as well as technical and some minor substantive changes to the Uniform Act recommended by the National Conference of Commissioners on Uniform State Laws after the original bill was printed.

The amendment proposed several nonuniform changes. Nonuniform amendments are accompanied by Maine Comments to explain the deviations.

Part D proposed updated cross-references. It also proposed to amend Title 29-A, section 702 by removing the relation back provision in the law governing title to motor vehicles, consistent with the revised operation of sections 9-1303 and 9-1311, and instead incorporating by reference the new, more complex rules found in Part 3 of Article 9-A. The proposed exception to this incorporation is to retain the special treatment Maine has for out-of-state, over-the-road trailers that use Maine as a "safe harbor" for registrations and titling. The special rule proposed to validate a Maine title until it is, in fact, surrendered. This is a nonuniform provision. The uniform rule would allow a newly issued, fraudulent, foreign title to trump a Maine title.

#### ***Enacted law summary***

Public Law 1999, chapter 699 enacts changes recommended by the National Conference of Commissioners on Uniform State Laws as revisions to the Uniform Commercial Code, Article 9, on secured transactions. Changes recommended by the Office of the Secretary of State and the Maine State Bar Association's Bar Committee Report on Revised Article 9 are included. Several of the changes incorporated are nonuniform; that is, Maine Article 9-A will not be exactly the same as the Uniform Act. Nonuniform provisions are accompanied by Maine Comments to explain the deviations. The "safe harbor" provisions in Title 29-A for out-of-state, over-the-road trailers are updated.

**LD 2267**

### **An Act to Amend the Definition of Marital Property**

**PUBLIC 665**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM    MAJ ONTP      MIN	H-917

LD 2267 proposed to amend the definition of "marital property" to specifically exclude any increase in the value of an intangible asset, such as stocks or bonds, if the asset was acquired prior to the marriage or by gift, bequest, devise or descent.

**Committee Amendment "A" (H-917)** proposed to replace the bill. It proposed to exclude the increase in value of nonmarital property from the definition of marital property if no marital effort or money is expended. The amendment also proposed to expand the exception to the marital property presumption to include nonmarital property acquired during the marriage.

#### ***Enacted law summary***

Public Law 1999, chapter 665 revises the definition of marital property to respond to the decisions of Clum v. Graves, 1999 ME 77 and Harriman v. Harriman, 1998 ME 108 and makes two changes to the operation of Maine's marital property law. First, it excludes the increase in value of nonmarital property from the definition of marital property if no marital effort or money is expended. The portion of the increase resulting from the reinvestment of the property's income or appreciation during the marriage remains nonmarital, so long as neither spouse had a substantial and active role in the management, preservation or improvement of the property during the marriage. On the other hand, if funds invested in a spouse's nonmarital account involved the substantial active involvement of either or both spouses, the increase in

value may be found to be marital property. The determination of what constitutes "substantial and active" involvement by a spouse will depend upon the type of management, maintenance or improvement customarily associated with the type of property at issue. Chapter 665 also expands the exception to the marital property presumption to include nonmarital property acquired during the marriage. The predecessor provision applied to only the "increase in value of property acquired prior to the marriage." This change modifies this limiting language so that it now applies to all nonmarital property, whether acquired prior to marriage or during the marriage through gift, bequest, devise or descent or property excluded by agreement of the parties. Public Law 1999, chapter 790, Part I makes the changes in chapter 665 apply to pending cases.

**LD 2268**

**An Act to Ensure that Reports Commissioned by the State are Submitted in Writing or Other Reproducible Format**

**PUBLIC 623**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHICK LIBBY	OTP-AM	H-953

LD 2268 proposed to require any report commissioned in whole or in part by the State or any of its political subdivisions to be reduced to writing and delivered to the State or political subdivision that commissioned the report. This bill also proposed to amend the definition of "public records" in freedom of access law to include reports.

**Committee Amendment "A" (H-953)** proposed to replace the bill. It proposed to apply to state contracts for \$10,000 or more that include a report back to the contracting agency, to require that the contract include a requirement that the report be in writing or in another reproducible nontransitory medium, to require that the report include the substantive conclusions disclosed to the agency contracting for the report, and to require that the report also either include a summary of the information and data on which the conclusions were based or identify the source of the information and data. The amendment proposed that the agency maintain a copy of the report in its custody.

***Enacted law summary***

Public Law 1999, chapter 623 requires that state contracts for \$10,000 or more require a report back to the contracting agency, and that the report must be in writing or in another reproducible nontransitory medium. Electronic or other media may be used as long as the report can be reproduced. The report must include the substantive conclusions disclosed to the agency contracting for the report. It must also either include a summary of the information and data on which the conclusions were based or identify the source of the information and data. The agency must maintain a copy of the report in its custody.

**LD 2271**

**An Act to Clarify the Laws Governing Service of Protection from Harassment Orders in Court**

**PUBLIC 542  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP	



LD 2271 proposed to allow a court security officer qualified pursuant to the Maine Revised Statutes, Title 4, section 17, subsection 15 to serve a defendant personally with any protective order or consent decree if the defendant is present in the courthouse.

***Enacted law summary***

Public Law 1999, chapter 542 allows a court security officer qualified pursuant to the Maine Revised Statutes, Title 4, section 17, subsection 15 to serve a defendant personally with any protective order or consent decree if the defendant is present in the courthouse.

Public Law 1999, chapter 542 was enacted as an emergency measure effective March 6, 2000.

**LD 2276**

**An Act to Revise the Spousal Support Statute**

**PUBLIC 634**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
H-915

LD 2276 is a recommendation of the Family Law Advisory Commission pursuant to the Maine Revised Statutes, Title 19-A, section 354, subsection 2. This bill proposed to replace the current law on spousal support with more comprehensive requirements concerning the award of spousal support.

**Committee Amendment "A" (H-915)**, the majority report, proposed to clarify the application subsection of the new section that establishes standards and guidelines for spousal support. The Committee Amendment Summary includes a more detailed description of the bill as amended.

***Enacted law summary***

Public Law 1999, chapter 634 is a recommendation of the Family Law Advisory Commission pursuant to the Maine Revised Statutes, Title 19-A, section 354, subsection 2. It replaces the current law on spousal support with more comprehensive requirements concerning the award of spousal support. Chapter 634 requires the courts to approach the determination of spousal support in a uniform manner. It also establishes two rebuttable presumptions designed to bring greater uniformity and predictability to spousal support determinations. Because the presumptions are rebuttable, the courts will retain their traditional discretion to fashion spousal support awards that are responsive to the particular circumstances of each case.

Chapter 634 also permits a spousal support award to provide that all or a portion of the award, including, but not limited to, the limitations associated with the award, is not subject to future modification. Under existing law, the question of whether a spousal support award may be modified can be the subject of lengthy and expensive litigation even in those cases in which the parties had previously entered into a written antimodification agreement.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM	H-817

LD 2285 proposed to remove language from the Maine Probate Code governing the proceedings for reviewing trustees to return it to the version contained in the Uniform Probate Code, amending a nonuniform section so as to reflect current market practices.

**Committee Amendment "A" (H-817)** proposed to add specific factors that the court may include as guides in its determination whether compensation paid to a testamentary trustee or to other persons employed by the testamentary trustee to provide services is reasonable. The factors are the same as apply to personal representatives under the Maine Revised Statutes, Title 18-A, section 3-721. The amendment proposed to specifically allow compensation calculated on a percentage basis as long as the compensation is reasonable.

***Enacted law summary***

Public Law 1999, chapter 571 adds specific factors that the court may include as guides in determining whether compensation paid to a testamentary trustee or to other persons employed by the testamentary trustee to provide services is reasonable. The factors are the same as apply to personal representatives under the Maine Revised Statutes, Title 18-A, section 3-721. Because the Supreme Judicial Court in Estate of Davis, 509 A.2d 1175 (Me. 1986) interpreted the order of the factors as implying the relative importance of each factor in determining the reasonableness of fees charged by a personal representative, chapter 571 clearly states that the order does not imply that one factor is necessarily more important than any other factor. Chapter 571 specifically allows compensation calculated on a percentage basis as long as the compensation is reasonable.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM	H-1032

LD 2286 proposed to make a jury trial unavailable in a proceeding to establish paternity. The bill also proposed to amend the definition of "applicant" to include those persons receiving services under the Maine Revised Statutes, Title 19-A, section 2108.

**Committee Amendment "A" (H-1032)** proposed to amend the bill to keep paternity actions within the jurisdiction of both the Superior and District Courts.

***Enacted law summary***

Public Law 1999, chapter 704 provides that a jury trial is not available in a proceeding to establish paternity. Federal law mandates this change. The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, Section 331, 110 Stat. 2105 amended Title 42 of the

United States Code, Section 666(a)(5) to mandate that each state must have in effect procedures providing that the parties to an action to establish paternity are not entitled to a jury trial.

Chapter 704 also amends the definition of "applicant" to include those persons receiving child support enforcement services under the Maine Revised Statutes, Title 19-A, section 2108.

**LD 2290**

**An Act to Improve Business Entity Filings and Authorize Mergers,  
Consolidations and Conversions of Various Business Entities**

**PUBLIC 638**

Sponsor(s)  
THOMPSON

Committee Report  
OTP-AM

Amendments Adopted  
H-965

LD 2290 proposed to authorize mergers and consolidations between corporations and other business entities; to permit same-entity and inter-entity mergers and consolidations for business entities other than corporations; and to set a fee for these new filings. The bill proposed to allow any business entity other than a general partnership to convert to another type of business entity.

In order to provide consistency in certain fee amounts, this bill proposed to increase the amendment fee for all business corporations; increase the fee for mergers of foreign business corporations; and decrease the amendment fees, as well as the initial fee for organizing or qualifying a limited liability company, limited partnership and limited liability partnership.

The bill proposed to allow limited liability companies, limited liability partnerships and limited partnerships to use an assumed name that does not include the respective designations "LLC," "LLP" and "LP" as part of the name. The bill also proposed to eliminate the rights of 3rd parties to request disclosure of the names of "limited" owners of limited liability companies, limited liability partnerships and limited partnerships. This bill proposed to clarify that there is no right for a withdrawing member of a limited liability company to demand payment for a membership interest, but also proposed to clarify how the membership interest would be paid if the limited liability company elects to pay such withdrawing member's interest.

**Committee Amendment "A" (H-965)** proposed to broaden the definition of "other business entity" so that the law allowing business entities to convert to other forms and to merge or consolidate will apply to all types of business entities in existence now or created in the future. It proposed to clarify that the shareholder of a corporation participating in a conversion, merger or consolidation retains the right to dissent and be bought out to the same extent as if the transaction were a merger between 2 corporations. It proposed to require that a transaction be approved specifically by any owner whose limited liability would be converted to personal liability by the transaction.

The amendment proposed to clarify that the general law relating to transactions involving limited liability companies and limited partnerships does not supersede laws relating to specific types of business entities, such as banking and insurance companies. It proposed to exempt certain real estate transfers from the transfer tax. Finally, the amendment proposed to change the fee structure in the bill. As in the bill, the new fee structure would lower the fees for noncorporate entities to make them equal to the comparable corporate fees. To compensate for the loss of revenue from the decrease in noncorporate entity filings, the amendment proposed to increase the one-time incorporating fee for domestic corporations from \$105 to \$125, and provide that fees for foreign business entity filings are double that of the comparable fees for domestic entities. The amendment proposed that fees for filing amendments for domestic corporations remain at the same level as in current law, rather than increasing as proposed in the bill.

***Enacted law summary***

Public Law 1999, chapter 638 allows corporations, partnerships and other business entities to merge or consolidate with each other and to convert to a different legal form. It sets forth the process that must be followed to accomplish the merger, consolidation or conversion and the effect of such changes on the powers, duties and property rights of the resulting business entity. The law exempts deeds made pursuant to mergers or consolidations from the real estate transfer tax if the transfer meets certain criteria. The law also changes the fees for filing of business entity documents with the Secretary of State. It increases the fee for filing Articles of Incorporation for domestic corporations from \$105 to \$125, reduces the fees for filing documents relating to limited partnerships, limited liability companies and limited liability corporations to make them equal to the fees for filing comparable business corporation documents, and provides that foreign entity filing fees are twice the amount of the comparable domestic entity fees.

**LD 2307                      An Act to Protect the Health and Well-being of a Nursing Infant of Separated or Divorcing Parents                      PUBLIC 702**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART	OTP-AM    MAJ ONTP       MIN	S-661

LD 2307 proposed to add the fact of whether the mother is breast-feeding an infant as an additional factor in the list of several factors a judge must consider in deciding parental rights and responsibilities.

**Committee Amendment "A" (S-661)** proposed to clarify that when a court is awarding parental rights and responsibilities and is considering the factors to determine the best interest of the child, the factor of whether a child is being breast-fed must be considered, but only if the child is under one year of age.

***Enacted law summary***

Public Law 1999, chapter 702 provides that when a court is awarding parental rights and responsibilities and is considering the factors to determine the best interest of the child, the factor of whether a child is being breast-fed must be considered if the child is less than one year of age.

**LD 2314                      An Act to Clarify the Maine Human Rights Act Concerning Compensatory and Punitive Damages                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY	ONTP	

Current law specifies that, in cases of intentional employment discrimination, a person may recover punitive and compensatory damages under the Maine Human Rights Act only if the person cannot recover those damages under federal human rights legislation governing race. LD 2314 proposed that such recovery be permissible only if the person is unable to recover under the federal human rights legislation governing race or general federal human rights laws governing intentional employment discrimination.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM	H-818 H-826 CAMERON S-533 GOLDTHWAIT

LD 2333 proposed to make several technical changes to the laws relating to filings by business entities, including changes to the process for filing notice when an entity changes its registered agent or office.

**Committee Amendment "A" (H-818)** proposed to correct the format of one section of the bill and to add a section inadvertently left out of the bill. The new section proposed to require that notice of resignation of a registered agent be sent to the principal office of a limited liability company, wherever located, instead of being sent to the principal office in the jurisdiction where the company is organized.

**House Amendment "A" to Committee Amendment "A" (H-826 )** proposed to clarify the technical format of the statutes.

**Senate Amendment "A" to Committee Amendment "A" (S-533)** proposed to clarify the technical format of the statutes.

#### ***Enacted law summary***

Public Law 1999, chapter 594 clarifies and makes uniform the requirements for filing notice with the Secretary of State of a business entity's change of registered agent or office, changes the laws relating to authorized signatures on foreign entity filings and makes other technical changes in the laws relating to business entity filings with the Secretary of State.

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
		H-1121
		H-1124 THOMPSON
		H-1161 THOMPSON
		H-1169 THOMPSON
		H-1170 THOMPSON
		H-1171 THOMPSON
		H-1172 THOMPSON
		H-1179 THOMPSON
		H-1182 THOMPSON
		H-1183 THOMPSON
		H-1186 THOMPSON
		H-1188 THOMPSON
		S – 810 LONGLEY

LD 2334 proposed to make technical corrections of errors and inconsistencies in the laws.

**Committee Amendment "A" (H-1121)** proposed to make additional technical corrections as well as a few substantive changes.

**House Amendment "A" to Committee Amendment "A" (H-1124)** proposed to amend the biweekly pay law.

**House Amendment "B" to Committee Amendment "A" (H-1161)** proposed to make certain corrections in the bill and the Committee Amendment effective 90 days after adjournment of the Legislature to coincide with the effective date of changes made by other public laws enacted by the 119th Legislature.

**House Amendment "C" to Committee Amendment "A" (H-1169)** proposed to amend the restrictions on a proposed transfer of state land to the Town of Carrabassett Valley to allow up to 25 acres of the 1,203 acres transferred to be used for municipal facilities.

**House Amendment "D" to Committee Amendment "A" (H-1170)** proposed to resolve an inconsistency in the adoption laws between the definition of "parent" in Title 18-A, section 9-102, subsection (h) and the provisions concerning consent of a putative or legal father with regard to children born in other jurisdictions.

**House Amendment "E" to Committee Amendment "A" (H-1171)** proposed to revise effective dates in newly enacted laws.

**House Amendment "F" to Committee Amendment "A" (H-1172)** proposed to amend the new law defining marital property by providing an application section that would apply the changes to all cases in which there is a determination of what property is marital property, including cases pending on the effective date of the new law.

**House Amendment "G" to Committee Amendment "A" (H-1179)** proposed to amend the laws governing the powers of game wardens to ensure they are consistent with LD 2691, Public Law 1999, chapter 738. It also proposed to correct the spelling of the name of the Native American organization mentioned in Public Law 1999, chapter 558, amend the Maine guide licensing statutes and amend the law concerning shooting from a motor vehicle.

**House Amendment "H" to Committee Amendment "A" (H-1182)** proposed that only 3 changes implemented by Public Law 1999, chapter 744 governing designation of beneficiaries take effect immediately.

**House Amendment "I" to Committee Amendment "A" (H-1183)** proposed to correct a potential inconsistency in the submission of the budget for the Governor Baxter School for the Deaf. It also proposed to resolve inconsistencies in Resolve 1999, chapter 130 establishing a study on the recruitment and retention of teachers.

**House Amendment "J" to Committee Amendment "A" (H-1186)** proposed to postpone certain statutory requirements for local school administrative units in the areas of maximum student-teacher ratios, guidance and counseling services, gifted and talented services and school accreditation until these requirements are integrated into Maine's system of learning results.

**House Amendment "K" to Committee Amendment "A" (H-1188)** proposed to add Pickerel Pond in the Town of Wayne to the areas where the operation of a watercraft at greater than headway speed is prohibited.

**House Amendment "L" to Committee Amendment "A" (H-1189)** proposed to make technical corrections to Public Law 1999, chapters 776 and 777. (Not adopted) See also Senate Amendment "A" to Committee Amendment "A" (S-810).

**Senate Amendment "A" to Committee Amendment "A" (S-810)** proposed to make corrections to Public Law 1999, chapter 776 by repealing duplicative language and repealing sections appropriating General Fund resources in error. It also proposed to make corrections in Public Law 1999, chapter 777 by amending the General Fund appropriation.

#### ***Enacted law summary***

Public Law 1999, chapter 790 corrects several technical errors and inconsistencies in the laws of Maine. In addition, it makes the following substantive changes.

1. Chapter 790, Part D amends the quorum and voting requirements for the boards of trustees of the Maine Legislative Retirement System and the Maine Judicial Retirement System to be consistent with the statutes governing the board of trustees for the Maine State Retirement System.
2. Chapter 790, Part D amends the Governmental Evaluation Act to delete the Maine Court Facilities Authority from the list of agencies under the review of the Judiciary Committee and to add the Maine Governmental Facilities Authority to the list of agencies under the review of the State and Local Government Committee.
3. Chapter 790, Part D reestablishes the Board of Counseling Professionals Licensure, which was inadvertently repealed.

4. Chapter 790, Part D repeals the section of the Maine Criminal Code dealing with collection and disbursement of court-ordered restitution, which was replaced but inadvertently not repealed.
5. Chapter 790, Part D corrects a reference to the appropriate part of Medicare for individual health insurance policies.
6. Chapter 790, Part D corrects a conflict governing prosecution protocol for the Maine Drug Enforcement Agency.
7. Chapter 790, Part D makes the driver's license reinstatement fee consistent throughout the statutes.
8. Chapter 790, Part D corrects a conflict in the eligibility criteria for burial in the Veterans' Memorial Cemetery.
9. Chapter 790, Part D extends the reporting deadline and makes other reporting modifications to the work of the MCJUSTIS Policy Board to make criminal and civil violations compatible with computerized data bases.
10. Chapter 790, Part E deletes the words "from the coastal waters" in the section of the lobster harvesting laws that establishes closed periods. A recent Superior Court decision ruled that "coastal waters" in a particular rule is limited to the waters up to 3 miles offshore. "Coastal waters" has been used and interpreted to mean any waters off the coast. Chapter 790, Part E amends Title 12, section 6440 to ensure that the restrictions on lobster harvesting at night and on Sunday stay intact.
11. Chapter 790, Part F corrects a deadline for the Maine Science and Technology Foundation to submit a plan for the comprehensive evaluation of state investments in research and development.
12. Chapter 790, Part G resolves an inconsistency in the adoption laws between the definition of "parent" in Title 18-A, section 9-102, subsection (h) and the provisions concerning consent of a putative or legal father with regard to children born in other jurisdictions.
13. Chapter 790, Part H corrects dates within non-emergency legislation enacted during the Second Regular Session.
14. Chapter 790, Part I amends the new law defining marital property (Public Law 1999, chapter 665) by providing an application section. The new law applies to all cases in which there is a determination of what property is marital property, including cases pending on the effective date of the new law.
15. Chapter 790, Part J amends the laws governing the powers of game wardens to ensure they are consistent with Public Law 1999, chapter 738. Chapter 790, Part J provides that the current authority to do anything otherwise prohibited by the fish and wildlife laws if necessary to carry out their duties does not authorize game wardens to stop any person, motor vehicle or watercraft except as specifically provided in the Maine Revised Statutes, Title 12, section 7053, which includes the new language added by Public Law 1999, chapter 738.

Chapter 790, Part J also corrects the spelling of the name of the Native American organization mentioned in Public Law 1999, chapter 558.



Chapter 790, Part J amends the Maine guide licensing statutes to delete disqualifying language for a specialized hunting guide license.

Chapter 790, Part J amends the law concerning shooting from a motor vehicle. It clarifies that paraplegics and single or double amputees of the legs are authorized to shoot from motor vehicles that are not in motion.

16. Chapter 790, Part K clarifies that only 3 changes implemented by Public Law 1999, chapter 744, concerning one-time changes of beneficiaries of retirement benefits take effect immediately.
17. Chapter 790, Part L corrects a potential inconsistency in Public Law 1999, chapter 775 by amending the law to clarify that the school board of the Governor Baxter School for the Deaf must continue to comply with the Maine Revised Statutes, Title 5, sections 1665 and 1666, which require all agencies to submit budget estimates for each biennium to the State Budget Officer and which authorize the Governor to review and revise these budget estimates.
18. Chapter 790, Part M corrects inconsistencies in Resolve 1999, chapter 130. The original bill proposed the establishment of a legislative commission staffed and funded by the Legislative Council. The resolve, as finally passed, instead places the full responsibility for providing research and staffing assistance for the study commission with the Department of Education, and further requires the Commissioner of Education to absorb the costs of conducting the study within the Department of Education budget. Chapter 790, Part M amends the resolve to authorize the Commissioner of Education to select the chair of the study commission and to appoint additional members to the study commission to more adequately represent the interests of schools in different types of school administrative units and different geographic regions of the State.
19. Chapter 790, Part N postpones certain statutory requirements for local school administrative units in the areas of maximum student-teacher ratios, guidance and counseling services, gifted and talented services and school accreditation until these requirements are integrated into Maine's system of learning results.
20. Chapter 790, Part O corrects an inadvertent omission by the Joint Standing Committee on Inland Fisheries and Wildlife. It adds Pickerel Pond in the Town of Wayne to the areas where the operation of a watercraft at greater than headway speed is prohibited.
21. Chapter 790, Part P amends the biweekly pay law, which requires most employers to pay their employees at intervals not greater than 16 days. The provision would allow public sector employees to bank compensatory time and take it in a pay period other than the one in which it was earned, without violating the biweekly pay law. It also would allow school administrative units to spread the pay of school-year employees over 12 months without violating the biweekly pay law.
22. Chapter 790, Part Q amends the restrictions on a proposed transfer of state land to the Town of Carrabassett Valley to allow up to 25 acres of the 1,203 acres transferred to be used for municipal facilities.
23. Chapter 790, Part R corrects errors contained in Public Law 1999, chapter 776 by repealing duplicative language and repealing sections appropriating General Fund resources in error.

24. Chapter 790, Part S corrects an error contained in Public Law 1999, chapter 777 by amending the General Fund appropriation.

Public Law 1999, chapter 790 was enacted as an emergency measure effective May 18, 2000, although some sections have different effective dates.

**LD 2348**

**An Act to Enact the Maine Death with Dignity Act**

**ONTP**

Sponsor(s)

Committee Report  
ONTP

Amendments Adopted

LD 2348 was an Initiated Bill. It proposed to create the Maine Death with Dignity Act. It proposed to allow a mentally competent adult who is suffering from a terminal illness to request and obtain medication from a physician to end that patient's own life in a humane and dignified manner, with safeguards to ensure that the patient's request is voluntary and based on an informed decision.

Because the bill was not enacted by the Legislature without change, pursuant to Article IV, Part Third, Section 18 of the Maine Constitution, the proposed language will appear as a referendum question submitted to the voters at the next statewide election.

**LD 2354**

**An Act to Increase the Pay for Jury Duty**

**DIED ON  
ADJOURNMENT**

Sponsor(s)  
DAVIS P  
MCALEVEY

Committee Report  
OTP-AM

Amendments Adopted  
S-576

LD 2354 proposed to increase the rate of compensation for jurors from \$10 to \$25 for each day of required attendance at court.

**Committee Amendment "A" (S-576)** proposed to add an appropriation section and a fiscal note to the bill.

**LD 2394**

**An Act to Allow Limited Access to Information Relating to  
Investigation of Abuse at the Governor Baxter School for the Deaf**

**P & S 62  
EMERGENCY**

Sponsor(s)  
THOMPSON

Committee Report  
OTP-AM

Amendments Adopted  
H-784

LD 2394 proposed to give the Joint Standing Committee on Judiciary access to information, including records, relating to any investigation of abuse that occurred at the Governor Baxter School for the Deaf, notwithstanding applicable confidentiality laws. The bill proposed to establish the basic process of review

of the records to ensure that confidential records and information are not disclosed beyond the committee, its nonpartisan staff and the Office of the Attorney General.

**Committee Amendment "A" (H-784)** proposed to clarify that the confidential information that is subject to review by the Joint Standing Committee on Judiciary is information, including records, relating to previous investigations of abuse at the school, as well as information relating to allegations of abuse at the school. The amendment proposed that the Governor Baxter School for the Deaf, any department and any agency having information relating to previous investigations or allegations of abuse at the school must notify the committee that the information exists and make the information available for review by the committee. The amendment proposed that any employee of the State or the Governor Baxter School for the Deaf who provides information pursuant to this Act is immune from civil and criminal liability for providing that information to the committee.

#### ***Enacted law summary***

Private and Special Law 1999, chapter 62 gives the Joint Standing Committee on Judiciary access to information, including records, relating to any allegations and investigation of abuse that occurred at the Governor Baxter School for the Deaf, notwithstanding applicable confidentiality laws. It establishes the basic process of review of the records to ensure that confidential records and information are not disclosed beyond the committee, its nonpartisan staff and the Office of the Attorney General. Chapter 62 extends immunity from civil and criminal liability to any employee of the State or the Governor Baxter School for the Deaf who provides the information to the committee. It requires review of the information to be completed by the end of the Second Regular Session.

Private and Special Law 1999, chapter 62 was enacted as an emergency measure effective February 14, 2000.

**LD 2418**

**An Act Concerning Offensive Names**

**PUBLIC 613**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH PARADIS	OTP-AM MAJ ONTP MIN	H-873

LD 2418 proposed to expand the law prohibiting the use of offensive names to designate places to also prohibit the use of the word "squaw."

**Committee Amendment "A" (H-873)**, the majority report, proposed to replace the bill. It proposed to clarify that use of "squaw" or "squa" as a separate word in the name of a place is offensive, and to require that the name of that place must be changed. Current law provides that the municipal officers, if the place is within a municipality, or the county commissioners, if the place is located in unorganized territory, must take reasonable steps to complete a change in the name. The amendment proposed to allow them to hold public hearings on selecting a new name. Current law provides for a court to order a name change within 90 days if there is no agreement reached between the Maine Human Rights Commission and the municipal officers or the county commissioners, as applicable. The amendment proposed to require the notification about the new name to take place within 6 months of the determination that a place name is offensive if there is no court order specifying a different deadline.

### ***Enacted law summary***

Public Law 1999, chapter 613 provides that the use of "squaw" or "squa" as a separate word in the name of a place is offensive, and requires that the name of that place must be changed. The municipal officers, if the place is within a municipality, or the county commissioners, if the place is located in unorganized territory, must take reasonable steps to complete a change in the name. Public hearings may be held on selecting a new name. Current law concerning offensive place names provides for a court to order a name change within 90 days if there is no agreement reached between the Maine Human Rights Commission and the municipal officers or the county commissioners, as applicable. Chapter 613 requires the public notification about the new name to take place within 6 months of the determination that a place name is offensive if there is no court order specifying a different deadline.

**LD 2436**

### **An Act to Permit the Attorney General, a Deputy Attorney General or a District Attorney to Request Records of Internet Service Providers and Mobile Telecommunications Service Providers**

**PUBLIC 686**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM    MAJ ONTP       MIN	H-1026 CAMERON H-982

LD 2436 proposed to allow the Attorney General, a deputy attorney general or a district attorney to request records of Internet service providers and mobile telecommunications service providers in the same way other utility records are requested.

**Committee Amendment "A" (H-982)**, the majority report, proposed to replace the bill. It proposed to rewrite the section of the statutes establishing the procedure for a prosecutor to demand certain records from providers of services to cover a wider range of services. Current law authorizes the procedure for certain public utility records. The amendment proposed to cover the same public utility services plus mobile telecommunications service providers, even if they are not within the jurisdiction of the Public Utilities Commission, and Internet service providers, which are not currently within the jurisdiction of the Public Utilities Commission. The amendment proposed to use the federal definition of "Internet service provider" and to limit records of utility services to subscriber information: name, address, local and long-distance telephone billing records, telephone number or other subscriber number or identity and the length of time the services have been provided to the subscriber or customer. Content of electronic mail and other transmissions would not be included. The amendment proposed to define "utility services" subject to a demand for records.

The amendment proposed to keep the current process the prosecutor must follow, with the addition of a notice requirement. As proposed, within 60 days of the approval of the demand for utility service records, the prosecutor must notify the person who is the subject of the records. The prosecutor may ask the court to extend that period, which the court may do upon a showing of reasonable cause. The period of the extension may not be indefinite but must be to a certain time. Additional extensions could be requested.

**House Amendment "A" to Committee Amendment "A" (H-1026)** was presented on behalf of the Committee on Bills in the Second Reading to prevent a conflict by incorporating changes made to the Maine Revised Statutes, Title 5, section 200-B, subsection 1 in Public Law 1999, chapter 579.

### ***Enacted law summary***

Public Law 1999, chapter 686 allows the Attorney General, a deputy attorney general or a district attorney to request records of Internet service providers and mobile telecommunications service providers in the same way other utility records are requested. It incorporates the federal definition of "Internet service provider" and limits records of utility services to subscriber information: name, address, local and long-distance telephone billing records, telephone number or other subscriber number or identity and the length of time the services have been provided to the subscriber or customer. Content of electronic mail and other transmissions is excluded. The procedure a prosecutor must follow to demand and receive the records is not changed, except that a notice requirement is added. Within 60 days of the approval of the demand for utility service records, the prosecutor must notify the person who is the subject of the records. The prosecutor may ask the court to extend that period, which the court may do upon a showing of reasonable cause. The period of the extension may not be indefinite but must be to a certain time. Additional extensions may be requested.

**LD 2453**

### **An Act Regarding the Statute of Limitations for Sexual Misconduct with a Minor**

**PUBLIC 639**

Sponsor(s)  
DUDLEY  
RAND

Committee Report  
OTP-AM

Amendments Adopted  
H-914

LD 2453 proposed to apply the removal of the criminal statute of limitations for the crimes of unlawful sexual contact and sexual abuse of a minor, enacted by Public Law 1999, chapter 438, retroactively to any crime of unlawful sexual contact or sexual abuse of a minor regardless of when the crime occurred. The bill also proposed to remove the current 12-year statute of limitations for civil actions based on the crimes of unlawful sexual contact and sexual abuse of a minor.

**Committee Amendment "A" (H-914)** proposed to replace the bill. It proposed to repeal and replace the current law limiting civil actions for sexual acts toward minors. The amendment proposed to provide that there is no statute of limitations for civil actions based on sexual acts toward minors that are based on sexual acts or sexual contact that either occurred after the effective date of this bill, or occurred prior to the effective date but for which the existing statute of limitations had not yet expired on the effective date of this bill. The amendment would not have revived any case for which the period under the statute of limitations has already expired. The amendment proposed to define "sexual acts toward minors" to include both "sexual act" and "sexual contact" as defined in the Maine Criminal Code.

### ***Enacted law summary***

Public Law 1999, chapter 639 repeals and replaces the current law limiting civil actions for sexual acts toward minors. It provides that there is no statute of limitations for such civil actions that are based on sexual acts or sexual contact that either occurred after the effective date of this law, or occurred prior to the effective date but for which the existing statute of limitations had not yet expired on the effective date of this law. This change does not revive any case for which the period under the statute of limitations has

already expired. "Sexual acts toward minors" is defined to include both "sexual act" and "sexual contact" as defined in the Maine Criminal Code.

**LD 2474**

**An Act to Allow the Court Discretion in Providing Information to  
Parents or Custodians of a Child Removed from Their Home by the  
Department of Human Services**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY TESSIER	ONTP	

Under current law, when the Department of Human Services removes a child from parents or custodians, the parents have the right to know where the child has been placed in foster care. When the foster parents are interested in attempting to adopt that child, the provision of such information dictates an open adoption. LD 2474 proposed to allow the court discretion in providing such information.

**LD 2487**

**An Act to Amend the Jurisdiction of the District Court**

**PUBLIC 547  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM	H-861

LD 2487 proposed to amend the jurisdiction of the District Court in 2 ways. First, it proposed to give the District Court the equitable jurisdiction to order the partition of property by sale. Second, it proposed to give the District Court all the jurisdiction, powers and responsibilities of the Administrative Court and eliminate the Administrative Court. The 2 sitting Administrative Court judges would have become District Court judges, serving the remainder of their terms without reappointment or reconfirmation.

**Committee Amendment "A" (H-861)** proposed to eliminate the vacant Administrative Court Associate Judge immediately. The amendment proposed to create a District Court Judge position immediately. The amendment proposed to eliminate the position of Administrative Court Chief Judge as of March 15, 2001 and create a new District Court Judge position at that time. No loss in total judge positions results. The amendment proposed that the 2 new District Court positions must be filled in the usual way: by nomination by the Governor and confirmation by the Legislature.

The amendment proposed that an expedited hearing on the emergency suspension or revocation of a license must be scheduled, but that such hearings would not take precedence over any other items on the District Court's docket.

***Enacted law summary***

Public Law 1999, chapter 547 amends the jurisdiction of the District Court in 2 ways. First, it gives the District Court the equitable jurisdiction to order the partition of property by sale. Both the Superior Court and the probate courts currently have this equity jurisdiction in the situation where a life tenancy is followed by a contingent remainder.

Second, chapter 547 gives the District Court all the jurisdiction, powers and responsibilities of the Administrative Court and eliminates the Administrative Court as of March 15, 2001. The Administrative Court Associate Judge position, currently vacant, is eliminated immediately. A District Court Judge position is created immediately, so there is no net loss of judicial resources. Chapter 547 clarifies that an expedited hearing on the emergency suspension or revocation of a license must be scheduled, but that such hearings do not take precedence over any other items on the District Court's docket.

Public Law 1999, chapter 547 was enacted as an emergency measure effective March 9, 2000 except as otherwise provided.

**LD 2499                      An Act Concerning the Date by Which Land Must be Acquired by                      PUBLIC 625**  
**the Penobscot Nation**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LORING CATHCART	OTP	

LD 2499 proposed to provide that certain land acquired by the Secretary of the Interior of the United States for the benefit of the Penobscot Nation prior to January 31, 2021 be considered Penobscot Indian territory pursuant to the Act to Implement the Maine Indian Claims Settlement, Maine Revised Statutes, Title 30, chapter 601. Current law provides that such land must be acquired prior to January 31, 2001.

***Enacted law summary***

Public Law 1999, chapter 625 provides that certain land acquired by the Secretary of the Interior of the United States for the benefit of the Penobscot Nation prior to January 31, 2021 is considered Penobscot Indian territory pursuant to the Act to Implement the Maine Indian Claims Settlement, Maine Revised Statutes, Title 30, chapter 601. Current law provides that such land must be acquired prior to January 31, 2001.

**LD 2511                      An Act to Preserve the Integrity of Court-ordered Child Support                      ONTP**  
**Obligations**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE	ONTP	

LD 2511 proposed that a debt on a child support order continues to be incurred by a responsible parent while that parent receives public assistance for the benefit of a biological or adopted child of that parent until the court modifies the support order that is the basis of the debt. Current law stops the accrual of a debt while the obligated parent receives public assistance.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA JABAR	OTP	

LD 2514 proposed to create the Maine Coordinate System of 2000, which would accommodate global positioning system technological advances and which would be uniformly used for survey work provided to or by state or federal governmental agencies.

#### *Enacted law summary*

Public Law 1999, chapter 689 creates the Maine Coordinate System of 2000, which accommodates global positioning system technological advances and which must be uniformly used for survey work provided to or by state or federal governmental agencies.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M	OTP-AM	H-1076 S-752 MICHAUD

LD 2530 proposed to allow state employees to sue the State in state or federal court to seek enforcement of the rights and remedies provided to them as employees by federal employment-related laws. Recent decisions of the United States Supreme Court ruled that state employees may not sue the State as their employer under certain federal employment laws, unless the State consents to be sued. This bill proposed to give consent to be sued under all federal employment-related laws. The bill also proposed to state the Legislature's intent that the plaintiffs in the cases of Alden v. Maine and Mills v. Maine be able to have their claims for overtime pay due adjudicated after the bill becomes law, notwithstanding their dismissal from state and federal courts prior to the State's giving its consent to be sued.

**Committee Amendment "A" (H-1076)** proposed to replace the bill. It proposed to strike the provision of the bill in which the State consents to be sued under federal employment laws. The issue of State consent to be sued was dealt with in a separate bill, LD 2682, which was enacted but vetoed by the Governor.

The committee amendment proposed to pay the plaintiffs in the Mills and Alden cases the amounts due them as overtime pay, rather than allowing them to re-initiate their suits. The amounts proposed to be paid under the bill were the amounts found by the Special Master to be due in the Mills case before the case was dismissed from federal District Court. The amendment also proposed to require the State to reimburse representatives of the plaintiffs for the cost of the Special Master and for certain transcription and printing costs.



**Senate Amendment "A" to Committee Amendment "A" (S-752)** proposed to make a technical correction to the committee amendment.

***Enacted law summary***

Private and Special Law 1999, chapter 87 directs the Department of Administrative and Financial Services to make payments to the 96 employees and former employees who sued the State in the cases of Mills v. Maine and Alden v. Maine, alleging payment due for overtime. Those cases were dismissed from state and federal court on the grounds of sovereign immunity. In the federal court, a Special Master had made preliminary findings of amounts due before the case was dismissed. The sums required to be paid by chapter 87 are the sums found by the Special Master to be due, excluding liquidated damages. The law also requires the State to reimburse representatives of the plaintiffs for the cost of the Special Master and for certain transcription and printing costs.

**LD 2563**

**An Act to Implement the Recommendations of the Court Unification Task Force**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM    MAJ	
	OTP-AM    MIN	

LD 2563 contains the legislative recommendations of the court unification task force as submitted to the Chief Justice of the Supreme Judicial Court, as provided in Resolve 1997, chapter 107. The task force's final report was transmitted to the Honorable Daniel E. Wathen, Chief Justice of the Maine Supreme Judicial Court, on December 8, 1999.

The bill proposed to carry out Recommendation I of the task force's report, vesting divorce and other family-law related jurisdiction in the District Court with direct appeal to the Law Court. After the effective date of this bill, all actions concerning paternity, divorce and judicial separation, grandparents visitation and child support, including actions under the Uniform Interstate Family Support Act, would be pursued in the District Court. The Superior Court would continue to have jurisdiction over actions properly filed in the Superior Court prior to the effective date.

The bill proposed to carry out Recommendation II of the task force's report, substantially eliminating the appellate review by the Superior Court of District Court judgments and orders. The Superior Court's appellate jurisdiction would continue to include administrative appeals and appeals from the District Court in forcible entry and detainer actions, small claims cases and certain criminal appeals and petitions.

The bill proposed to address one piece of Recommendation III of the task force's report, removing the \$30,000 damages limitation from District Court actions, which would treat civil nonjury actions equally in the District Court and the Superior Court. Other components of Recommendation III are not appropriately addressed through legislation, but by the Judicial Department directly.

The bill proposed to carry out Recommendation VI, vesting the District Court with jurisdiction, concurrent with the Superior Court, to partition real property by sale. This addresses a discrepancy identified in Boyer v. Boyer, 1999 ME 128 (August 5, 1999).

Recommendations IV, V, VII and VIII are not appropriately addressed through legislation, but by the Judicial Department directly.

**Committee Amendment "A" (H-1081)**, the majority report proposed to do the following:

1. Make technical changes concerning the wording of the District Court's civil jurisdiction;
2. Authorize an appeal from the Superior Court to the Law Court for a specific set of facts;
3. Make corrections consistent with Public Law 1999, chapter 547; and
4. Establish the Court Unification Oversight Committee. The Court Unification Oversight Committee would be charged with overseeing the implementation of the recommendations of the court unification task force. As proposed, it would also be required to review and report on specific issues annually to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The amendment proposed that in the first annual report, the Court Unification Oversight Committee must make assessments and recommendations on workload, an abbreviated and expedited appeal process from the District Court to the Law Court and the shared docket.

The amendment proposed that provisions concerning the Court Unification Oversight Committee and the appropriation section take effect 90 days after adjournment of the Second Regular Session of the 119th Legislature. The rest of the changes in the bill as amended would take effect January 1, 2001.

**Committee Amendment "B" (H-1082)**, the minority report, proposed to make the same changes as the majority report except that the provisions carrying out Recommendation I (shifting family law jurisdiction exclusively to the District Court) not be included. (Not adopted)

The provisions of the bill as amended by Committee Amendment "A" were incorporated into the Budget Bill, Public Law 1999, chapter 731, Part ZZZ.

**LD 2564                      An Act Regarding the Payment of Child Support in Cases of  
Delayed Parental Notification**

**ONTP**

Sponsor(s)  
BERUBE

Committee Report  
ONTP

Amendments Adopted

Under current law, a father is responsible for liabilities for past education and support retroactively up to 6 years even if the father did not know he was the father. LD 2564 proposed to limit a father's liabilities for past education and support for only the portion of the retroactive 6-year period after he receives knowledge or notice of paternity.

The bill also proposed to provide relief to Richard Bell for child support arrearage he had incurred under current law for a child he did not know existed.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL FERGUSON	OTP-AM	H-1000 H-1085 THOMPSON

LD 2582 proposed to restore a process for municipalities to follow when seeking to dispose of the abandoned personal property that is typically found in tax-acquired or condemned real estate. The process was inadvertently repealed when the Uniform Unclaimed Property Act was enacted as Public Law 1997, chapter 508.

**Committee Amendment "A" (H-1000)** proposed to clarify the requirements that apply to municipalities, counties and other political subdivisions relating to notifying the owner of abandoned property. The amendment also proposed that if the municipality, county or other political subdivision sells the abandoned property, after applying the proceeds to the costs of storage, notice and sale, the balance and the appropriate records must be turned over to the Treasurer of State in accordance with the Uniform Unclaimed Property Act.

**House Amendment "A" (H-1085)** proposed to establish the process by which municipalities and other political subdivisions must dispose of abandoned property.

#### *Enacted law summary*

Public Law 1999, chapter 667 provides municipalities, counties and other political subdivisions with a process by which to dispose of abandoned personal property that is typically found in tax-acquired or condemned real estate. The process includes specific notice requirements, and establishes the process by which municipalities, counties and other political subdivisions must dispose of abandoned property. If the property is sold, after applying the proceeds to the costs of storage, notice and sale, the political subdivision must turn over the balance and the appropriate records to the Treasurer of State in accordance with the Uniform Unclaimed Property Act.

Public Law 1999, chapter 667 was enacted as an emergency measure effective April 11, 2000.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH	ONTP MAJ OTP-AM MIN	

LD 2607 proposed to effectuate Public Law 1991, chapter 720 to include certain lands in Albany Township as Passamaquoddy Indian territory. In response to Kimball v. LURC, 2000 ME 20, the bill proposed to remove the land in question from the provision that required certification by the Secretary of the Interior of the United States by January 31, 1991 and clarify that the land in question is within Passamaquoddy Indian territory. The bill proposed to apply retroactively to the effective date of Public

Law 1991, chapter 720, and provide that decisions of the Maine Land Use Regulation Commission affecting the property are effective.

**Committee Amendment "A" (H-1071)**, the minority report, proposed to amend the Implementing Act to extend the deadline by which the Secretary of the Interior must certify land acquired and held in trust for the Passamaquoddy Tribe to January 31, 2021. This would have the effect of making the Albany Township land acquired by the Passamaquoddy Tribe before January 1, 1991 Indian Territory. (Not adopted)

**Senate Amendment "A" to Committee Amendment "A" (S-667)** proposed to require, prior to transfer of any land in an unorganized township of at least 100 residents to the Passamaquoddy Tribe or the Penobscot Nation, approval of the residents of that unorganized township and of the State. The country commissioners would be required to hold the referendum. (Not adopted)

**Senate Amendment "B" to Committee Amendment "A" (S-673)** proposed to clarify that the Passamaquoddy Tribe would have to seek anew the rezoning and development permit from the Maine Land Use Regulation Commission. (Not adopted)

**LD 2682**

**An Act to Provide Equal Treatment for State Employees under  
Certain Federal Employment Laws**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP MAJ	S-765 MICHAUD
	ONTP MIN	

LD 2682 proposed to give consent for State employees, former employees and employment applicants to sue the State under the following federal employment laws: the Fair Labor Standards Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, Title VII of the Civil Rights Act, and the Jones Act, which provides remedies for maritime employees injured on the job. The United States Supreme Court has recently ruled that individual employees may not sue the State in its capacity as employer for damages under the Fair Labor Standards Act or the Age Discrimination in Employment Act, unless the State has consented to be sued. The bill proposed to consent to suit under those laws and 3 others that may be the subject of future Supreme Court rulings.

LD 2682 addressed an issue originally proposed as part of LD 2530. The Judiciary Committee unanimously approved one part of LD 2530 and sent the bill to the floor for approval. The second part of LD 2530 was included in LD 2682, which was reported out of committee as a committee bill with a divided report.

**LD 2693**

**An Act to Establish Requirements for the Removal of Directors of  
Certain Maine Business Corporations before the Expiration of  
Their Established Terms**

**DIED BETWEEN  
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRIMAN	OTP-AM    MAJ	S-740
RICHARDSON J	ONTP      MIN	S-807   AMERO

LD 2693 proposed to amend the Maine Business Corporation Act to require the approval of holders of at least 50% of the shares entitled to vote in order for the shareholders of a publicly traded company to call a special meeting for the purpose of removing a member of the board of directors within 90 days following a meeting at which a director was last elected. Under current law, the percent required to call a special meeting is determined by the corporation's bylaws, but if the bylaws call for more than 10%, the holders of at least 10% of the shares may seek court permission to call a special meeting.

**Committee Amendment "A" (S-740)** proposed to rewrite the bill to clarify that the 50% shareholder vote is the only method by which shareholders may call a special meeting when the meeting is expressly called to remove a director within 90 days after a director or directors last stood for election. The amendment also proposed to repeal this provision 90 days after adjournment of the First Regular Session of the 120th Legislature.

**Senate Amendment "A" to Committee Amendment "A" (S-807)** proposed to lower the percentage of shares required to call a special meeting to remove a director within 90 days of director elections from 50% of the outstanding shares to 25% of the outstanding shares entitled to vote at such a meeting.

**HP 1914**

**JOINT ORDER – Relative to the Committee to Study the Further  
Decriminalization of the Criminal Laws of Maine**

**PASSED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON		

HP 1914, a Joint Order, proposed to establish the Committee to Study Further Decriminalization of the Criminal Laws of Maine, to be made up of 5 legislators. The Joint Order proposed that the committee study decriminalizing criminal laws, and proposed a reporting date of November 1, 2000. HP 1914 was passed without reference to any committee. See also LD 260.

***Enacted law summary***

Joint Order HP 1914 creates the Committee to Study Further Decriminalization of the Criminal Laws of Maine consisting of 5 legislators. The committee will review criminal laws and determine whether it is appropriate to classify the prohibited conduct as criminal. The committee's reporting date is November 1, 2000. This Joint Order was passed without reference to a committee.

**HP 1930**

**JOINT ORDER – Relative to the Commission on the Study and**

**PASSED**

## Prevention of Child Abuse

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	S-723 PINGREE

HP 1930, a Joint Order, proposed to create the Commission on the Study and Prevention of Child Abuse consisting of 15 members. The Joint Order proposed to direct the commission to investigate the mistreatment of children in its various manifestations, report on the occurrence and causes of the mistreatment and recommend feasible measures for the State to intervene.

**Committee Amendment “A” (H-1135)** proposed to replace the original Joint Order. It proposed to establish the Commission to Study Child Abuse, consisting of five legislators. The amendment proposed to direct the commission to examine the current policies and public and private programs and resources related to physical and sexual abuse of children, and to identify means to coordinate the available programs and resources to prevent and respond to child abuse. The commission would report by November 1, 2000.

**Senate Amendment “A” (S-723)** proposed to replace the joint order. The amendment proposed to clarify the appointment of members, that the first meeting must be called by June 30, 2000 and that members will be compensated for attendance only at authorized meetings of the commission.

### *Enacted law summary*

Joint Order HP 1930 creates the Commission on Child Abuse consisting of five legislators. The commission will examine the current policies and public and private programs and resources related to physical and sexual abuse of children. The commission may accept public testimony. The commission may identify means to coordinate the available programs and resources to prevent and respond to child abuse. The commission’s reporting date is November 1, 2000.

## LD INDEX

LD 260.....	1	LD 2268 .....	16
LD 347.....	2	LD 2271 .....	16
LD 470.....	3	LD 2276 .....	17
LD 687.....	3	LD 2285 .....	17
LD 1010.....	4	LD 2286 .....	18
LD 1251.....	4	LD 2290 .....	19
LD 1294.....	4	LD 2307 .....	20
LD 1303.....	5	LD 2314 .....	20
LD 1471.....	5	LD 2333 .....	21
LD 1557.....	5	LD 2334 .....	21
LD 1603.....	6	LD 2348 .....	25
LD 1620.....	6	LD 2354 .....	26
LD 1717.....	7	LD 2394 .....	26
LD 1771.....	7	LD 2418 .....	27
LD 1795.....	8	LD 2436 .....	27
LD 1820.....	8	LD 2453 .....	29
LD 1941.....	9	LD 2474 .....	29
LD 1961.....	9	LD 2487 .....	30
LD 1971.....	10	LD 2499 .....	30
LD 1990.....	10	LD 2511 .....	31
LD 2014.....	10	LD 2514 .....	31
LD 2051.....	11	LD 2530 .....	32
LD 2067.....	11	LD 2563 .....	33
LD 2072.....	12	LD 2564 .....	34
LD 2121.....	12	LD 2582 .....	34
LD 2178.....	12	LD 2607 .....	35
LD 2213.....	13	LD 2682 .....	36
LD 2226.....	13	LD 2693 .....	36
LD 2239.....	13	HP 1914 .....	37
LD 2245.....	14	HP 1930 .....	37
LD 2267.....	15		